

DOCKET NO: 278727US2PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TOSHIHISA TOMIE : EXAMINER: SAHU, MEENAKSHI S.

SERIAL NO: 10/550,413 :

FILED: JULY 18, 2006 : GROUP ART UNIT: 2881

FOR: METHOD AND APPARATUS FOR
GENERATING LASER PRODUCED
PLASMA

LETTER REQUESTING REFUND OF FEES

FOR THE THREE-MONTH EXTENSION OF TIME SUBMITTED ON JULY 29, 2008

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant requests that the U.S. Patent and Trademark Office refund the fees paid for the three-month Request for Extension of Time Under 37 C.F.R. 1.136 which was submitted on July 29, 2008. The facts are as follows:

At least on May 9, 2008, June 18, 2008, and June 19, 2008, Applicant's representatives contacted Examiner Sahu regarding deficiencies in the claim rejections contained in the Office Action of January 29, 2008. On May 9, 2008, Examiner Sahu indicated that as a result of these errors, the Office Action of January 29, 2008, would be vacated and that a new, corrective Office Action would be issued at a future date. This was confirmed by the Examiner on June 19, 2008.

However, no written notification was provided to Applicant or Applicant's representatives regarding the vacation of the Office Action of January 29, 2008, or the

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issuance of a new, corrective Office Action, by the six-month statutory period date of July 29, 2008. In order to ensure that the pendency of U.S. application Serial No. 10/550,413 was maintained, a three-month Request for Extension of Time Under 37 C.F.R. 1.136 was efiled on July 29, 2008, (EFS ID: 3696705) and the correct government fees of \$1050.00 were paid at that time, in order to file a continuation application. On August 1, 2008, a new, corrective Office Action was issued, and the Office Action of January 29, 2008, was vacated.

In mid-July of 2008, Examiner Sahu indicated that since the U.S. Patent and Trademark Office was responsible for the delay in the issuance of the new, corrective Office Action of August 1, 2008, Applicant is eligible to obtain a refund of fees paid for the three-month Request for Extension of Time Under 37 C.F.R. 1.136 efiled on July 29, 2008, (EFS ID: 3696705).

Consequently, in view of the foregoing discussion, it is respectfully requested that the U.S. Patent and Trademark Office refund the fees which were paid for the three-month Request for Extension of Time Under 37 C.F.R. 1.136 efiled on July 29, 2008, (EFS ID: 3696705) by means of a credit to deposit account number 15-0030.

Respectfully submitted,

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